

for Harold

U.S. JUDGES SEEK EARLIER TRIALS

High Court Asked to Amend
Rules to Require Speedier
Action on Defendants

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WASHINGTON, Oct. 30—The Federal judiciary hierarchy has decided to establish time limits for the trial of criminal cases in all United States courts, without waiting for Congress to act on a pending "speedy trial" bill.

In a statement released today, Chief Justice Warren E. Burger announced that the Judicial Conference of the United States had formally asked the Supreme Court to amend the Federal Rules of Criminal Procedure to require all United States courts to set up "speedy trial" timetables.

The procedures recommended by the Judicial Conference would be similar to court rules recently established by the highest court of New York, the Court of Appeals, and the United States Court of Appeals for the Second Circuit, which covers New York, Connecticut and Vermont.

Up to District Courts

The New York rules require criminal trials within 90 days and the Second Circuit allows six months. Under the Judicial Conference's proposal, each Federal District Court would set up its own time schedule within which defendants would have to be tried and sentenced.

Senator Sam J. Ervin Jr., North Carolina Democrat, has been pushing a speedy trial bill that would require defendants in Federal Courts to be brought to trial within 60 days. It has languished in a judiciary subcommittee, with the Justice Department arguing that provisions favorable to prosecutors should be added.

The Judicial Conference, a 25-member group of ranking Federal jurists, is the administrative and policy-making arm of the Federal Judiciary. If the Supreme Court accepts the recommendation and adds

a speedy trial requirement to the rules of procedure, they will become binding unless Congress objects.

A similar procedure will be followed with regard to a comprehensive new compilation of rules called the Uniform Rules of Evidence.

The Judicial Conference approved the rules, which were the product of a six-year study by a committee of judges, law

professors and lawyers. The rules provide the first compilation of Federal evidentiary law, which previously had to be gleaned from widely scattered case decisions.

Complaints on Liberals

A hitch developed in the preparation of the rules last year when the Justice Department, Senator John L. McLellan of Arkansas and other prosecution-oriented lawyers protested that the committee which had been appointed by former Chief Justice Earl Warren, had been stacked with liberals. They asserted that some of the rules unduly favored criminal suspects.

The Supreme Court ordered another review of the proposed rules, and a number of points that had been criticized as pro-defendant were changed.

The Government's authority to conceal identities of its informers was broadened, the latitude of prosecutors to cross-examine defendants about their past convictions was upheld, and convicted persons were prohibited from calling jurors to testify about alleged misconduct in the jury room.

In each of these instances, and in others that were changed to meet the Justice Department's objections, the Committee appointed by Justice Warren had recommended more liberal rules.

The Judicial Conference, which met at the Supreme Court Thursday and yesterday under the chairmanship of Chief Justice Burger, approved a number of reforms for expediting criminal cases that the Chief Justice has advocated in speeches.

One calls upon the United States Courts of Appeals to speed up criminal appeals by not requiring a full transcript for some appeals and by requiring that the lawyer who handled the trial usually also handle the appeal and by deciding some appeals based upon the briefs without oral arguments.

The Judicial Conference also recommended that criminal cases that promise to be long and complex be given special handling, as is now true of civil cases.

At present, criminal cases are assigned to judges on a strict rotation basis. The proposed new system would modify that for potential lengthy criminal trials, which would be assigned to special "available" judges.

Some defense lawyers have opposed this idea for criminal trials, saying that "hanging" judges might be made available for such duty.